

**Illinois Department of Revenue
Regulations**

Title 86 Part 110 Section 110.115 Non-homestead Exemption Proceedings

TITLE 86: REVENUE

**PART 110
PROPERTY TAX CODE**

Section 110.115 Non-Homestead Exemption Proceedings

a) Contents of exemption application

An application form for a non-homestead property tax exemption shall be obtained from the Board of Review or Board of Appeals in the county in which the property is located. The applicant shall use the appropriate application form (Form No. PTAX-300-R (religious), PTAX-300-FS (federal or state agency) or PTAX-300 (all other property)), shall answer all questions on the form completely and shall sign the form.

1) The applicant shall attach all required documentation to the application form, including, at a minimum, copies of the following:

A) For all exemption application forms:

- i) Proof of ownership;
- ii) lease(s) or contract(s) concerning the property;
- iii) legal description of the property;
- iv) parcel index number; and
- v) if the exemption would reduce the property's assessed valuation by more than \$100,000, copies of the letters the applicant sent notifying affected municipalities, school districts and community college districts of the application.

B) For PTAX-300 (in addition to items in subsection (a)(1)(A) above):

- i) Picture(s) of the parcel(s) including any improvements thereon;
- ii) affidavit of use;
- iii) articles of incorporation and bylaws of the applicant; and

- iv) income and expense statements of the applicant for the most recent year.
 - C) For PTAX-300-R (in addition to items in subsection (a)(1)(A) above):
 - i) Picture(s) of the parcel(s) including any improvements thereon;
 - ii) affidavit of use;
 - iii) articles or affidavit of incorporation and bylaws of the applicant; and
 - iv) if the property includes a parsonage or convent, a completed parsonage/convent questionnaire.
- 2) Applications on Form No. PTAX-300 must be notarized.
- 3) Applications involving multiple deeds and/or multiple parcels:
 - A) An applicant shall file an application for exemption of multiple parcels acquired by separate deeds on separate application forms unless all four of the following conditions are met:
 - i) The parcels are contiguous;
 - ii) all deeds were acquired prior to the year for which the exemption is sought;
 - iii) the application identifies which parcel index number(s) are associated with each deed; and
 - iv) the application identifies any variation of use or other qualifying information or characteristic (e.g., leases, photos, affidavits of use, parsonage/convent questionnaires or other information required for the type of exemption application submitted) by parcel index number and deed.
 - B) An applicant may file an application for exemption of multiple parcels acquired by the same deed on one application form, but the application shall identify any variation of use or other qualifying information or characteristic (e.g., leases, photos, affidavits of use, parsonage/convent questionnaires or other information required for the type of exemption application submitted) by parcel index number.
 - C) An applicant shall file an application for exemption of a single parcel acquired by multiple deeds on one application form.
- 4) Applications for exemption shall be filed only on property subject to taxation under the Property Tax Code [35 ILCS 200], for example:

- A) If a mobile home is subject to a privilege tax under the Mobile Home Local Services Tax Act [35 ILCS 515], it is not eligible for exemption even though it is used as a parsonage or for some other qualifying use. (However, an applicant may file an exemption application on the land upon which such a mobile home rests.)
 - B) A leasehold estate taxable under Section 9-195 of the Property Tax Code [35 ILCS 200/9-195] shall be eligible for exemption where the lessee and the use of the leasehold qualify for an exemption. An application for exemption of a leasehold estate shall be filed by the lessee.
- 5) For purposes of compliance with this Section, an affidavit of use shall be a signed, dated, notarized, written statement about the use or uses of the property for which an exemption application is made. The statement shall include at a minimum the parcel index number(s) for the property, the name of the affiant, the relationship of the affiant to the property (i.e., how the affiant acquired personal knowledge about the use of the property) and a detailed description of the actual use or uses of each parcel of property represented by a parcel index number during the year for which the exemption is sought.
- b) Filing and accepting a non-homestead exemption application

An exemption application prepared in accordance with subsection (a) above shall be filed with the Board of Review or Board of Appeals in the county in which the property is located. The Board of Review or Board of Appeals shall accept an application only if the taxpayer has used the correct application form, has filled out the application completely, has attached the required documentation and, unless the conditions in subsection (a)(3)(A) or (a)(3)(B) above are met, has included only one parcel on the application form. In counties with more than 3,000,000 inhabitants, the Board of Appeals or Board of Review may require the filing of a complaint form in addition to the exemption application.
- c) Determination (recommendation) with respect to an exemption application
 - 1) A Board of Review or Board of Appeals shall consider exemption applications only for the tax year for which that Board is in session. A Board shall not consider exemption applications for previous or subsequent tax years. For example, if a 1995 Board is still in session in January of 1996, an application for exemption for the 1996 tax year shall not be considered by that 1995 Board and a determination (recommendation) on that application shall not be made by that Board and forwarded to the Department. Only a Board in session for the 1996 tax year shall consider and determine exemption applications for the 1996 tax year.
 - 2) The Board of Review or Board of Appeals shall make a determination (recommendation) on each application for exemption.
- d) Forwarding of statement to Department

Whenever a Board of Review or Board of Appeals in any county determines that any property is or is not liable to taxation, and when the question as to the liability of such property to taxation has not previously been judicially determined or there has been a change in ownership, leasehold estate or use of such property since the last such previous determination, it shall be the duty of the Clerk of the Board of Review or, in counties with 3,000,000 or more inhabitants, the Secretary of the Board of Appeals, or Board of Review, as the case may be, to make out and forward to the Department a full and complete statement of all the facts in the case in the appropriate section of or in an attachment to Form No. PTAX-300, PTAX-300-R (religious) or PTAX-300-FS (federal or State agency).

e) Documents to accompany statement forwarded to Department

Every such statement to the Department shall be accompanied by a copy of the exemption application filed with the Board of Review or Board of Appeals, copies of the documents or other items the applicant is required to file with the exemption application, copies of any written intervention in the procedure before the Board of Review or Board of Appeals, names and addresses of any such intervenors and the determination (recommendation) of the Board of Review or Board of Appeals. In counties with 3,000,000 or more inhabitants the statement shall also include a copy of the complaint for exemption if one was filed.

- 1) Additional supporting documents, such as, but not limited to, charters, 501(c)2 or 501(c)3 exemption by the Internal Revenue Service, plat of the property, tax map, floor plan labeled as to actual use of all areas of a building or financial reports, shall be supplied where necessary for determination of exemption or requested by the Department.
 - 2) Every such statement to the Department shall contain the signature of the Clerk of the Board of Review or, in counties with 3,000,000 or more inhabitants, the signature of the Secretary of the Board of Appeals, or the Board of Review and the date of the Board's action.
- f) In counties with 3,000,000 or more inhabitants, statements made out and forwarded to the Department by the Secretary of the Board of Appeals or Board of Review shall be made in triplicate, the original being forwarded to the Department, one copy being forwarded to the County Assessor, and one copy being retained by the Board of Appeals or Board of Review.
- g) In counties with less than 3,000,000 inhabitants, statements made out and forwarded to the Department by the Clerk of a Board of Review shall be made in duplicate, the original being forwarded to the Department and the copy retained by the Board of Review.
- h) Department decision
- 1) If approved by the Department or a court of appropriate jurisdiction, a parcel receiving a non-homestead exemption shall not be removed from the property rolls, but shall instead be retained on the assessment listing. Approved parcels

shall be coded exempt or in some other way identified as being a non-homestead exemption. All coding or identification shall be made in such fashion that the general public may readily discern the exempt status of the property.

- 2) Upon making a determination with respect to an application for a property tax exemption pursuant to Section 16-70 or Section 16-130 of the Property Tax Code [35 ILCS 200/16-70 and 16-130], copies of the Department's decision will be mailed to the applicant, to any intervenors, to the Clerk of the Board of Review or Board of Appeals, as the case may be, to the County Assessor in counties that have a County Assessor, to the County Collector in counties with 3,000,000 or more inhabitants, and to the County Clerk in counties with fewer than 3,000,000 inhabitants.
 - 3) Intervenors shall be either an entity with an interest in the property or a taxing district within whose territory the property lies in whole or in part. Intervenors shall have intervened in writing in the consideration of the application at the Board of Review or Board of Appeals level prior to such Board's determination (recommendation) or at the Department level prior to the Department's decision.
 - 4) The Department's decision shall allow the exemption (on Form No. PTAX-301-C), allow a partial exemption (also on Form No. PTAX-301-C) or deny the exemption (on Form No. PTAX-301 or Form No. PTAX-301-B). A partial exemption shall allow the exemption for a portion of the subject property for the entire year, allow the exemption for the entire subject property for a portion of the year, or allow the exemption for a portion of the subject property for a portion of the year.
- i) Department hearings and administrative review
- 1) An applicant for exemption who feels aggrieved by a Department decision denying an exemption or allowing only a partial exemption shall not file another exemption application on the property for the same tax year but shall request a hearing pursuant to subsection (i)(2) below. If a Board of Review or Board of Appeals forwards an exemption application filed by the same applicant on the same property for which the Department has already rendered a decision for that tax year, the Department shall return the application to that Board.
 - 2) Pursuant to Section 8-35 of the Property Tax Code [35 ILCS 200/8-35] and 86 Illinois Administrative Code 110.145, a written application for a hearing before the Department on the Department's decision with respect to an exemption shall be filed within 20 days after the Department's notice of decision is mailed.
 - 3) Pursuant to Section 8-40 of the Property Tax Code [35 ILCS 200/8-40] and the Administrative Review Law [735 ILCS 5/Art. III], a final Department decision following a Department hearing shall be subject to administrative review.
- j) When non-homestead exemption records are destroyed by the county pursuant to the Local Records Act [50 ILCS 205], the original copies of the Department's decision shall be retained for each parcel remaining exempt. In lieu of Exemption Approval Certificates

destroyed prior to the effective date of these provisions, and in response to the Department's exemption field audits, the Clerk of the Board of Review may provide copies of the disposal records together with a signed affidavit attesting to the specific exemption approvals destroyed, by property and year of exemption. Such disposal record and affidavit shall serve in place of the Approval Certificate for purposes of the Department's authority granted pursuant to Section 15-25 of the Property Tax Code [35 ILCS 200/15-25].

k) Annual certificate of status of exemptions

Pursuant to Section 15-10 of the Property Tax Code [35 ILCS 200/15-10], an owner of property or owner of a beneficial interest in property that has been determined by the Department or a court to be exempt shall file annually by January 31 with the Chief County Assessment Officer an affidavit stating whether there has been any change in the use, ownership or leasehold of the property or status of such owner or lessee. The affidavit shall state the nature of such change. Property owned by the United States that has been determined by the Department or a court to be exempt shall not require an affidavit pursuant to this subsection (k).

l) Obligation to file copies of leases or agreements

Except as modified in Section 15-55 (state-owned property) of the Property Tax Code [35 ILCS 200/15-55], the owner of property that has been determined to be exempt or the owner of the beneficial interest in property that has been determined to be exempt shall file with the Chief County Assessment Officer a copy of any lease, loan or agreement that makes the property available for profit along with a complete description of the premises as required in Section 15-15 of the Property Tax Code [35 ILCS 200/15-15].

m) Notification after change in use, leasehold estate or ownership

Pursuant to Section 9-185 of the Property Tax Code [35 ILCS 200/9-185], if any property listed as exempt has a change in use or a change in leasehold estate the titleholder of record shall notify the Chief County Assessment Officer of the change within 30 days. Also pursuant to Section 9-185, if there has been a purchase, grant, taking or transfer of any property listed as exempt, the transferee shall notify the Chief County Assessment Officer within 30 days. The notice from the titleholder or transferee shall be in writing, shall be sent by certified mail, return receipt requested, and shall include the information required in Section 15-20 of the Property Tax Code [35 ILCS 200/15-20].

(Source: Amended 20 Ill. Reg. 13611, effective October 3, 1996)